

REMARKS

Claims 1-45 are pending. By the Present Amendment, Claims 1, 14, 28 and 36 are amended, thereby leaving Claims 2-13, 15-27, 29-35 and 37-45 unchanged. Applicants gratefully acknowledge the Examiner's allowance of Claim 45.

Claim 36 has been amended to remove minor typographical errors.

35 U.S.C. § 102(b) and 102(e) Rejections

Claims 1-3, 7-8, 10-12, 14-16, 20-21, 23-24 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,205,540 ("Clapp"). Claims 1-7, 10-11, 14-20, and 23-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,646,298 ("Weber"). Claims 28, 33-36 and 41-44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,610,946 ("Covell"). Reconsideration of the rejections is respectfully requested.

Independent Claim 1

Claim 1 defines a trigger assembly comprising a housing having an exterior first surface and a second surface adjacent the first surface, the first surface at least partially defining an opening and the second surface at least partially defining a path, and a trigger movably supported by the housing and at least partially engaging the path when moving with respect to the housing, the trigger including a support portion at least partially extending through the opening into the housing, the support portion having a first width, and a contact portion connected to the support portion and disposed outside the housing, the contact portion having a second width greater than the first width.

Clapp does not teach or suggest a trigger assembly including, among other things, a housing having an exterior first surface, the first surface at least partially defining an opening, and a trigger movably supported by the housing and including a support portion at least partially extending through the opening into the housing, the support portion having a first width, and a contact portion connected to the support portion and disposed outside the housing, the contact portion having a second width greater than the first width. Rather, the pneumatic tool 1 of Clapp includes a handle 2 having a first surface positioned above the trigger 10 and a second surface positioned below the trigger 10 and being substantially parallel to the first surface. As shown in

Figs. 1 and 2 of Clapp, the first and second surfaces together define a trigger opening. The trigger 10 is movable relative to the handle 2 between a depressed position (shown in Fig. 2) and an extended position (shown in Fig. 1). As also shown in Figs. 1 and 2 of Clapp, a protrusion extends downwardly from the trigger 10 and is engageable with a protrusion that extends upwardly from the second surface of the handle 2 to prevent the trigger 10 from moving out of the trigger opening. More particularly, even in the extended position (shown in Fig. 1), the trigger 10 of Clapp is positioned in the handle 2 between the first surface and the second surface. In addition, the trigger stem 15 is maintained inside the handle body 2 between third and fourth interior surfaces and is prevented from moving outwardly through the opening defined by the first and second surfaces.

For these and other reasons, Clapp does not teach or suggest the subject matter defined by independent Claim 1.

Weber does not teach or suggest a trigger assembly including, among other things, a housing having an exterior first surface, the first surface at least partially defining an opening, and a trigger movably supported by the housing and including a support portion at least partially extending through the opening into the housing, the support portion having a first width, and a contact portion connected to the support portion and disposed outside the housing, the contact portion having a second width greater than the first width. Rather, the grass trimmer of Weber includes a handle 14 having first and second outwardly extending trigger guards, which together define a trigger opening. A trigger member 16 and a rigid extension 19 are pivotably supported in the handle 14 and are movable between depressed positions (shown in Fig. 4) and extended positions (shown in Fig. 3). As shown in Figs. 3 and 4, the engagement between a first stop 24, which extends outwardly from the trigger member 16, and a second stop 25, which extends outwardly from the first trigger guard, prevents the rigid extension 19 of the trigger 16 from moving outwardly through the trigger opening.

For these and other reasons, Weber does not teach or suggest the subject matter defined by independent Claim 1.

Accordingly, independent Claim 1 is allowable. Dependent Claims 2-13 depend from Claim 12 and are allowable for the same and other reasons.

Independent Claim 14

Claim 14 defines a power tool comprising a housing, a handle connected to the housing and having an exterior first surface and a second surface adjacent the first surface, the first surface at least partially defining an opening and the second surface at least partially defining a path, and a trigger movably supported by the housing and at least partially engaging the path when moving with respect to the handle, the trigger including a support portion at least partially extending through the opening into the housing, the support portion having a first width, and a contact portion connected to the support portion and disposed outside the housing, the contact portion having a second width greater than the first width.

Clapp does not teach or suggest a power tool including, among other things, a handle having an exterior first surface, the first surface at least partially defining an opening, and a trigger movably supported by the housing and including a support portion at least partially extending through the opening into the housing, the support portion having a first width, and a contact portion connected to the support portion and disposed outside the housing, the contact portion having a second width greater than the first width. Rather, as shown in Figs. 1 and 2 of Clapp, a protrusion extends downwardly from the trigger 10 and is engageable with a protrusion that extends upwardly from the second surface of the handle 2 to prevent the trigger 10 from moving out of the trigger opening. More particularly, even in the extended position (shown in Fig. 1), the trigger 10 of Clapp is positioned in the handle 2 between the first surface and the second surface. In addition, the trigger stem 15 is maintained inside the handle body 2 between third and fourth interior surfaces and is prevented from moving outwardly through the opening defined by the first and second surfaces.

For these and other reasons, Clapp does not teach or suggest the subject matter defined by independent Claim 14.

Weber does not teach or suggest a power tool including, among other things, a housing having an exterior first surface, the first surface at least partially defining an opening, and a trigger movably supported by the housing and including a support portion at least partially extending through the opening into the housing, the support portion having a first width, and a contact portion connected to the support portion and disposed outside the housing, the contact portion having a second width greater than the first width. Rather, as shown in Figs. 3 and 4 of

Weber, the engagement between a first stop 24 and a second stop 25 prevents the rigid extension 19 of the trigger 16 from moving outwardly through the trigger opening.

For these and other reasons, Weber does not teach or suggest the subject matter defined by independent Claim 14.

Accordingly, independent Claim 14 is allowable. Dependent Claims 15-27 depend from Claim 14 and are allowable for the same and other reasons.

Independent Claim 28

Claim 28 defines a trigger assembly comprising a housing having an exterior surface defining an opening, and a trigger movably supported by the housing, a space being defined between the trigger and the portion of the housing surrounding the opening, and the trigger including a support portion at least partially extending through the opening into the housing, a contact portion connected to the support portion and disposed outside the housing, and an upper protrusion projecting outwardly from the contact portion into the space between the trigger and the housing.

Covell does not teach or suggest a trigger assembly including, among other things, a housing having an exterior surface defining an opening, and a trigger movably supported by the housing, a space being defined between the trigger and the portion of the housing surrounding the opening, and the trigger including a contact portion disposed outside the housing and an upper protrusion projecting outwardly from the contact portion into the space between the trigger and the housing. Rather, the hedge trimmer 10 of Covell includes a tool body 11 defining a trigger opening and a trigger mechanism 14 supported by the body 11 for pivoting movement about a pivot axis 16. The trigger mechanism 14 of Covell includes an actuation portion 18, which extends along the outer edge of the trigger mechanism 14, and a trigger body, which extends rearwardly from the actuation portion 18. As shown in Figs. 2-8 of Covell, the actuation portion 18 is substantially smooth and extends across the trigger opening. An actuator portion 24 and a latching mechanism 34 extend outwardly from the trigger body and are maintained in the interior of the tool body 11.

For these and other reasons, Covell does not teach or suggest the subject matter defined by independent Claim 28.

Accordingly, independent Claim 28 is allowable. Dependent Claims 29-35 depend from Claim 28 and are allowable for the same and other reasons.

Independent Claim 36

Claim 36 defines a power tool comprising a housing, a handle connected to the housing and having an exterior surface defining an opening, and a trigger movably supported by the handle, a space being defined between the trigger and the portion of the handle surrounding the opening, the trigger including a support portion at least partially extending through the opening into the housing, a contact portion connected to the support portion and disposed outside the housing, and an upper protrusion projecting outwardly from the contact portion into the space between the trigger and the handle.

Covell does not teach or suggest a power tool including, among other things, a handle having an exterior surface defining an opening, and a trigger movably supported by the handle, a space being defined between the trigger and the portion of the handle surrounding the opening, and the trigger including a contact portion disposed outside the housing and an upper protrusion projecting outwardly from the contact portion into the space between the trigger and the housing. Rather, as shown in Figs. 2-8 of Covell, the actuation portion 18 is substantially smooth and extends across the trigger opening. An actuator portion 24 and a latching mechanism 34 extend outwardly from the trigger body and are maintained in the interior of the tool body 11.

For these and other reasons, Covell does not teach or suggest the subject matter defined by independent Claim 36.

Accordingly, independent Claim 36 is allowable. Dependent Claims 37-44 depend from Claim 36 and are allowable for the same and other reasons.

35 U.S.C. § 103(a) Rejections

Claims 9, 13, 22, 27-28, 33-36, and 41-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Covell in view of Clapp. Reconsideration of the rejections is respectfully requested.

Dependent Claims 9 and 13

Claims 9 and 13 depend from independent Claim 1 and are allowable for at least the reasons discussed above with respect to Claim 1.

As discussed above, Clapp does not teach or suggest the subject matter defined by independent Claim 1. Covell does not cure the deficiencies of Clapp.

Specifically, Covell does not teach or suggest a trigger assembly including, among other things, a housing having an exterior first surface at least partially defining an opening, and a trigger movably supported by the housing and including a support portion at least partially extending through the opening into the housing, the support portion having a first width, and a contact portion connected to the support portion and disposed outside the housing, the contact portion having a second width greater than the first width. Rather, as shown in Figs. 7-8 of Covell, the actuation portion 18 and the trigger body appear to have substantially identical widths. In addition, on page 5 of the present Office action, the Examiner notes that “Covell et al does not disclose the contact portion having a greater width than that of both the support portion and the opening in the housing.”

For these and other reasons, Covell does not teach or suggest the subject matter defined by independent Claim 1 or by dependent Claims 9 and 13.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *Assuming arguendo* that the teaching of Covell and Clapp could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner, the claimed structure is not provided by the references. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claims 9 and 13 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Covell and Clapp, alone or in combination, do not teach or suggest all the claim limitations of Claims 9 and 13. Accordingly, Claims 9 and 13 are allowable.

Dependent Claims 22 and 27

Claims 22 and 27 depend from independent Claim 14 and are allowable for at least the reasons discussed above with respect to Claim 14.

As discussed above, Clapp does not teach or suggest the subject matter defined by independent Claim 14. Covell does not cure the deficiencies of Clapp.

Specifically, Covell does not teach or suggest a power tool including, among other things, a handle having an exterior first surface, the first surface at least partially defining an opening, and a trigger movably supported by the housing and including a support portion at least partially extending through the opening into the housing, the support portion having a first width, and a contact portion connected to the support portion and disposed outside the housing, the contact portion having a second width greater than the first width. Rather, as shown in Figs. 7-8 of Covell, the actuation portion 18 and the trigger body appear to have substantially identical widths. In addition, on page 5 of the present Office action, the Examiner notes that “Covell et al does not disclose the contact portion having a greater width than that of both the support portion and the opening in the housing.”

For these and other reasons, Covell does not teach or suggest the subject matter defined by independent Claim 14 or by dependent Claims 22 and 27.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *Assuming arguendo* that the teaching of Covell and Clapp could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner, the claimed structure is not provided by the references. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claims 22 and 27 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Covell and Clapp, alone or in combination, do not teach or suggest all the claim limitations of Claims 22 and 27. Accordingly, Claims 22 and 27 are allowable.

Independent Claim 28 and dependent Claims 33-35

As discussed above, Clapp does not teach or suggest the subject matter defined by independent Claim 28. Covell does not cure the deficiencies of Clapp.

Specifically, Covell does not teach or suggest a trigger assembly including, among other things, a housing having an exterior surface defining an opening, and a trigger movably supported by the housing, a space being defined between the trigger and the portion of the

housing surrounding the opening, and the trigger including a contact portion disposed outside the housing and an upper protrusion projecting outwardly from the contact portion into the space between the trigger and the housing. Rather, as shown in Figs. 2-8 of Covell, the actuation portion 18 is substantially smooth and extends across the trigger opening. An actuator portion 24 and a latching mechanism 34 extend outwardly from the trigger body and are maintained in the interior of the tool body 11.

For these and other reasons, Covell does not teach or suggest the subject matter defined by independent Claim 28 or by dependent Claims 33-35.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *Assuming arguendo* that the teaching of Covell and Clapp could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner, the claimed structure is not provided by the references. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claims 28 and 33-35 based upon the prior art as required by 35 U.S.C. § 103.

For these and other reasons, Covell and Clapp, alone or in combination, do not teach or suggest all the claim limitations of Claims 28 and 33-35. Accordingly, Claims 28 and 33-35 are allowable.

Independent Claim 36 and dependent Claims 41-44

As discussed above, Covell does not teach or suggest the subject matter defined by independent Claim 36. Clapp does not cure the deficiencies of Covell.

Specifically, Clapp does not teach or suggest a power tool including, among other things, a handle having an exterior surface defining an opening, and a trigger movably supported by the handle, a space being defined between the trigger and the portion of the handle surrounding the opening, and the trigger including a contact portion disposed outside the housing and an upper protrusion projecting outwardly from the contact portion into the space between the trigger and the housing. Rather, as shown in Figs. 1 and 2 of Clapp, a first protrusion extends *downwardly* from the trigger 10 and is engageable with a second protrusion that extends upwardly from the second surface of the handle 2 to prevent the trigger 10 from moving out of the trigger opening. Moreover, the engagement between the first and second protrusions prevents the first protrusion

from moving outwardly through the trigger opening and into the space between the trigger and the second surface of the handle 2.

For these and other reasons, Clapp does not teach or suggest the subject matter defined by independent Claim 36 or by dependent Claims 41-44.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all of the claim limitations. *Assuming arguendo* that the teaching of Covell and Clapp could or should be combined, Applicants respectfully point out that, even with the modification suggested by the Examiner, the claimed structure is not provided by the references. Therefore, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness of Claims 36 and 41-44 based upon the prior art as required by 35 U.S.C. § 103.

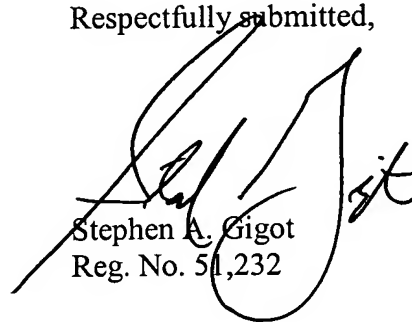
For these and other reasons, Covell and Clapp, alone or in combination, do not teach or suggest all the claim limitations of Claims 36 and 41-44. Accordingly, Claims 36 and 41-44 are allowable.

CONCLUSION

In view of the foregoing, entry of the present Amendment and allowance of Claims 1-45 are respectfully requested.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



Stephen A. Gigot
Reg. No. 51,232

Docket No. 066042-9336-03
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560